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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,560	11/21/2003	Armando Chavez	13906-149001 / 2003P00700	3564
32864 7590 06/06/2008 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER WIENER, ERIC A	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/719,560	Applicant(s) CHAVEZ ET AL.	
	Examiner Eric Wiener	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/27/2008 has been entered.

2. Claims 11 – 21 and 25 – 33 are pending. Claims 25 – 33 are new. Claims 11 and 25 are the independent claims. Claims 11 and 14 – 17 are the amended claims. Claims 1 – 10 and 22 – 24 have been cancelled. Claims 11 – 21 and 25 – 33 have been rejected by the Examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11 – 21 and 25 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coker et al. (US 6,826,745 B2) in view of Barnes et al. (US 5,974,372).

As per independent claims 11 and 25, Coker discloses *a computer-implemented method for creating a call center application script of words to later be displayed to and spoken by a call*

center agent during an interactive session with a customer in two languages, and a computer program product tangibly embodied in computer storage medium and comprising instructions that when executed perform said method (Abstract and column 5, lines 21 – 25), wherein said method comprises:

- *providing a call center script in a first language, wherein the script has multiple nodes that each includes one or more distinct script portions that are designed to be read by an agent to a customer during an interactive session with the customer (column 8, lines 12 – 20), wherein the script is designed so that only one node of the script is to be displayed at a time during an interaction session with a customer (column 8, lines 15 – 18);*
- *providing a definition of a structure for the script for passage of control from one node to another node during an interaction session with a customer (column 8, lines 1 – 32 and column 12, lines 1 – 14), wherein the passage of control from one node to another node causes the one node to no longer be displayed and the other node to be displayed (column 8, lines 15 – 18); and*
- *providing a translation creation graphical user interface (column 14, lines 31 – 40).*

It has been interpreted that because “basic administration views allow creation of questions, scripts, and pages through **traditional list and form applets**,” these lists and forms sufficiently disclose the ability to display the translation GUI having *a first screen area and a second screen area*, wherein having a view “used to enter questions and their translations and their answers and translations” sufficiently discloses that the area to enter questions would

correspond to a first screen area in which is displayed at least a part of the script in the first language, wherein the first screen area includes multiple distinct script areas within each of which is displayed a different one of the distinct script portions of the script from at least two of the script nodes. In addition, said view further sufficiently discloses that the area to enter translations would correspond to a second screen area that serves as a work area in which a translation of the call center application script in a second language is displayed, wherein the second screen area includes multiple distinct script areas that are each associated with one of the script areas of the first screen area and that each provide an area within which is provided a translation in the second language of the script portion displayed in the associated script area of the first screen area.

However, because Coker does not *explicitly* disclose the exact layout of his “translation creation graphical user interface” and that it would include a first and second screen area for entering translations of associated text, even though it would be inferred by one of ordinary skill in the art that a traditional list and form applet for translation would use such a means for entering translations, the analogous art of Barnes is brought in to show the obviousness of such a feature.

Barnes discloses *providing a translation creation graphical user interface* (Fig. 19 and column 4, lines 18 – 40) *that comprises a first screen area in which is displayed at least a part of a text in a first language, wherein the first screen area includes multiple distinct text areas within each of which is displayed a different one of distinct text portions of the text* (Fig. 19, area 292), *wherein the translation creation graphical user interface further comprises a second screen area that serves as a work area in which a translation of the text in a second language is*

displayed, wherein the second screen area includes multiple distinct text areas that are each associated with one of the text areas of the first screen area and that each provide an area within which is provided a translation in the second language of the text portion displayed in the associated text area of the first screen area (Fig. 19, area 294).

Coker's invention pertains to creating multi-lingual call scripts with easy local personalization and modification through the use of translations (Coker, column 5, lines 21 – 25), wherein it is disclosed that there is a clear need for a script method and system that facilitates customization and configuration of scripts such as multi-lingual call scripts requiring custom translations, with a minimum amount of software overhead and code rewriting (column 1, lines 60 – 64). Therefore, because Barnes also discloses such a need to allow a user to customize any GUI screen, such as a script, through the use of translations without a need for code rewriting (Barnes, column 1, lines 31 – 34), Coker and Barnes would both look to one another to improve particular features of their invention that would facilitate the customization of interfaces with minimum code interaction. Thus, it would be obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of a layout for translating text of Barnes into the translation interface of Coker, because Barnes's explicit disclosure of a translation creation GUI layout serves to facilitate the customization for the user through the use of well known **traditional list and form applets**.

As per claims 12 and 26, and taking into account the rejection of claims 11 and 25, Barnes further discloses *providing a menu area to display a set of selectable language options for determining the second language* (column 3, line 66 – column 4, line 17), wherein it would further be obvious to one of ordinary skill in the art at the time of invention to incorporate this

feature into the invention of Coker for the same reasons as disclosed in the rejection of claims 11 and 25, *supra*.

As per claims 13 and 27, and taking into account the rejection of claims 11 and 25, Coker further discloses *providing an option to save the script in the second language when text associated with each distinct portion of the script is displayed in the second screen area* (column 8, lines 7 – 13), wherein it would further be obvious to one of ordinary skill in the art at the time of invention to incorporate this feature into the invention of Coker for the same reasons as disclosed in the rejection of claims 11 and 25, *supra*. Furthermore, Coker discloses "records... for each specified language," (column 13, lines 6 – 8), wherein it has been interpreted that these records are sufficiently equivalent to scripts that have been saved in different languages.

As per claims 14 and 28, and taking into account the rejection of claims 11 and 25, Coker further discloses that *at least one of the script areas in the second screen area displays default text in the second language that has been previously saved* (column 13, lines 6 – 8), wherein it has been interpreted that these records are sufficiently equivalent to scripts that have been saved in different languages, which upon loading, display default text that has been previously saved.

As per claims 15 and 29, and taking into account the rejection of claims 11 and 25, Coker further discloses that *at least one of the script areas in the second screen area displays text in the second language that has been input by a script designer* (column 14, lines 36 – 40).

As per claims 16 and 30, and taking into account the rejection of claims 11 and 25, Coker further discloses that *at least one of the script areas in the second screen area displays read-only text in the second language* (column 11, lines 34 – 35).

As per claims 17 and 31, and taking into account the rejection of claims 11 and 25, Barnes further discloses that *a second screen area is adjacent to the first screen area* (Fig. 19 and column 4, lines 18 – 40), wherein it would further be obvious to one of ordinary skill in the art at the time of invention to incorporate this feature into the invention of Coker for the same reasons as disclosed in the rejection of claims 11 and 25, *supra*.

As per claims 18 and 32, and taking into account the rejection of claims 11 and 25, Coker further discloses *a text area in the first screen area that is associated with a particular portion of the text is adjacent to a text area in the second screen area that is also associated with the particular portion of the text* (Fig. 19 and column 4, lines 18 – 40), wherein it would further be obvious to one of ordinary skill in the art at the time of invention to incorporate this feature into the invention of Coker for the same reasons as disclosed in the rejection of claims 11 and 25, *supra*. Furthermore, Barnes's invention is applicable to all GUI screens pertaining to text, and would therefore be applicable to a GUI screen of a text pertaining to a script.

As per claims 19 and 33, and taking into account the rejection of claims 11 and 25, Coker further discloses *each distinct portion of the script is associated with a script element type* (column 8, lines 56 – 64).

As per claim 20, and taking into account the rejection of claim 11, Coker further discloses that *at least one of the script areas in the first or second screen areas includes a selectable area that, when selected, causes a corresponding portion of a script graph for the script to be displayed using the GUI* (column 12, lines 1 – 13 and column 14, lines 32 – 35).

As per claim 21, and taking into account the rejection of claim 11, Coker further discloses that *the portions of the script include a script introduction, a script question, and a*

script conclusion (Fig. 6), wherein it has been interpreted that because area 15 discloses an introduction, it would be obvious to one of ordinary skill in the art at the time of invention that the script corresponding to Fig. 6 would also include a conclusion, because the call center agent would need a way to end the conversation, through such means as a "conclusion."

Response to Arguments

5. Applicant's arguments filed on 2/27/2008 have been fully considered, but are moot in view of new grounds of rejection.

Conclusion

6. It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

7. ***The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The cited documents represent the general state of the art.***

Previously cited art of particular note includes Thorne (US 6,100,891), Takaoka (US 6,539,116 B2), and Peterson et al. (US 6,598,015 B1).

Newly cited art of particular note includes Malden et al. (US 2007/0208573 A1), Shoemaker et al. (US 2003/0167197 A1), Ra et al. (US 7,136,865 B1), Subramaniam et al. (US 7,174,514 B2), Connors et al. (US 5,898,772), Case (US 5,737,725), and Shambaugh et al. (US 6,970,821 B1).

In addition, of particular importance are paragraphs [0038], [0047], [0052], [0053], [0073] - [0075], and [0100] Malden et al. (US 2007/0208573 A1).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Wiener whose telephone number is 571-270-1401. The examiner can normally be reached on Monday through Thursday from 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Eric Wiener/

Examiner, Art Unit 2179

/Steven B Theriault/

Primary Examiner, Art Unit 2179